

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-11 are currently pending. Claim 12 is canceled by this reply without prejudice or disclaimer. Claims 1, 3, and 8-10 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 3.

Drawings

The Examiner marked that the drawings are objected to on the summary page of the Office Action mailed September 4, 2008, however no drawing objections are detailed in the Action. Therefore, Applicant requests the Examiner to accept the drawings in the next communication, or issue a formal objection detailing any issues with the drawings as filed.

Claim Objections

Claims 6 and 7 are objected to for being in improper multiple dependent form. Claim 6 is amended by this reply to depend solely from claim 3. Accordingly, withdrawal of this objection is respectfully requested.

Claim Amendments

All the claims are amended for purposes of clarification and to correct minor informalities. No new matter is added by way of these amendments. Support may be found, for example, at least in paragraphs [0008], [0035], [0038], and [0049] of the publication of the present application, US Pub. No. 20060156362.

Rejection(s) under 35 U.S.C. § 102

Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,351,467 (“Dillon”). Claim 12 is canceled by this reply; thus, this rejection is now moot with respect to claim 12. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

The independent claims recite, in part, (i) a service provider offer localization; and (ii) a transport stream localization. As defined in the independent claims, a localization provides an IP address and a port to which IP packets are transmitted across the IP multicast network. *See* Publication of present application, paragraph [0038]. Further, the independent claims recite two types of data entities that are multicasted: (i) offer information and (ii) stream information. Offer information links a service provider offer description (which includes details of the types of multimedia services offered by the service provider) and the service provider offer localization (*i.e.*, the IP address and port at which the multicast offer IP packets are transmitted/received). *See* Publication of present application, paragraph [0005]. Stream information includes the actual services offered in the service provider’s offer. *See Id.*

Turning to the rejection, “[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants assert that Dillon fails to disclose each and every element of the amended independent claims.

Specifically, Dillon fails to disclose that both service provider offer information and stream information are multicast. In fact, Dillon is completely silent with respect to multicasting two distinct entities. Rather, Dillon only contemplates multicasting “the packets,” and does not distinguish between IP packets that carry offer information and IP packets that carry stream information. This is further evidenced by the fact that the Examiner equates service provider offer information to disclosure in Dillon of multicasting of “the packets,” and stream information to the same phrase. *See* Office Action mailed September 4, 2008, bottom of page 2 and page 3. Further, the cited portions of Dillon (*i.e.*, col. 9, lines 3-4 and col. 15 lines 27-34) also fail to distinguish between offer information packets and stream information packets. The independent claims clearly recite the aforementioned two distinct types of information that are both multicast, and by ignoring the recitation of two different multicast data entities, the Examiner is either mischaracterizing the prior art or reading out the claimed limitations, both of which are wholly improper. Merely the mention of multicasted “packets” is clearly not sufficient to anticipate the independent claims, which explicitly recite and define offer information as well as transport stream information that are both multicast.

In addition, Dillon fails to disclose both a service provider offer localization and a transport stream localization. In fact, the Examiner equates the service provider offer localization to a web site. *See* Office Action mailed September 4, 2008, page 3. As defined by the independent claims, a localization provides both an IP address and a port to which the multicast IP packets are sent. In contrast, a web site is merely a URL location on the World Wide Web. The web site in Dillon is used to obtain content for multicast data organized into channels, where a channel’s content includes a plurality of URL data items from a web site. Thus, the web site disclosed in Dillon is not used as a location to obtain the multicast IP packets;

but rather, to populate the content that is multicast. Said another way, the web site of Dillon is not a location at which multicast data is retrieved. “[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed, and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net MoneyIN, Inc. v. VeriSign, Inc.*, 2008 WL 4614511 (Fed. Cir. 2008). Thus, even assuming *arguendo* that the web site of Dillon is equivalent to a service provider offer localization, the web site is not a location at which it is intended to multicast stream information, because Dillon discloses that encrypted packets are multicast directly to receivers. *See* Dillon, col. 6, ll. 55-58. Thus, there is no need to include a service provider offer localization in Dillon. Thus, in view of *Net MoneyIN*, Dillon fails to anticipate the present invention.

Further, the Examiner equates the transport stream localization recited in the claimed invention to the receivers 26 in Dillon. *See Id.* The receivers 26 are configured to receive the resulting data stream(s), and do not represent a localization, *i.e.*, an IP multicast address and port pair at which the data is being multicast. In the present invention, the set top boxes (STBs) may send requests to an internet service provider for receiving data, and submit a localization with the request that specifies a location (IP address and port) to which the multicast data is sent. *See* publication of present application, paragraph [0011]. At best, the receivers of Dillon are equivalent to the STBs of the claimed invention, which are configured to receive the multicast transport streams. Therefore, it is clear that the receivers 26 of Dillon do not serve as a transport stream localization, as required by the claimed invention.

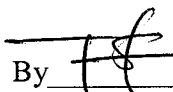
In view of the above, the Examiner's contentions do not support an anticipation rejection of the amended independent claims. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [11345/058001]).

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Respectfully submitted,

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